

According to a feature of the present invention, carriers are exchanged between an initiating communication device and a responding communication device. The carriers issued by the initiating communication device include first digital information that represents different communication device capabilities (formats and modem standards) that can be handled by the plurality of initiating communication devices. The carriers issued by the responding communication device include second digital information representing different communication device capabilities (formats and modem standards) that it can handle. For example, the first digital information may represent that the initiating communication device can handle the ADSL, VDSL and HDSL standards. The second digital information may represent, for example, that the responding communication device can handle the ADSL and VDSL standards (that is, the responding communication device is unable to communicate using the HDSL standard). A selecting device thereafter selects an appropriate communication device (such as, for example, the ADSL standard [or the VDSL standard] in the above example) that is useable by both the initiating and responding communication devices. In this regard, it is noted that the present invention is not limited to the ADSL, VDSL and HDSL standards discussed above, and may utilize other, non-discussed, standards.

Applicant submits that at least this feature is lacking from the applied art of record. In setting forth this rejection, the Examiner refers Applicant to columns 18 and 19 of GATHERER. However, a review of GATHERER fails to disclose at least the above-noted feature; namely, that an initiating communication device transmits first digital information

identifying the modem standard(s) supported by the initiating communication device, and the responding communication device transmits second digital information identifying the modem standard(s) supported by the responding communication device, so that a communication link can be established using a commonly supported modem standard.

By the present amendment, Applicant revises claims 2, 4 and 9 to clarify the above-discussed feature. In view of the present amendment to the claims, Applicant submits that the ground for the 35 U.S.C. §102 rejection of the pending claims no longer exists. Accordingly, the Examiner is respectfully requested to withdraw this ground of rejection, to indicate the allowability of the pending claims, and to pass the application to issue.

SUMMARY AND CONCLUSION

In view of the fact that none of the art of record, whether considered alone or in combination, discloses or suggests the present invention as defined by the pending claims, and in further view of the above amendments and remarks, reconsideration of the Examiner's action and allowance of the present application are respectfully requested and are believed to be appropriate.

Any amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should the Commissioner determine that an extension of time is required in order to render this response timely and/or complete, a formal request for an extension of time, under

37 C.F.R. § 1.136(a), is herewith made in an amount equal to the time period required to render this response timely and/or complete. The Commissioner is authorized to charge any required extension of time fee under 37 C.F.R. § 1.17 to Deposit Account No. 19-0089.

If there should be any questions concerning this application, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,  
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## APPENDIX A - MARKED-UP CLAIMS

2 (Twice Amended). An apparatus for establishing a communication link, comprising:

a negotiation data transmitting section, associated with a plurality of initiating communication devices, that transmits carriers that include first digital information representing different communication device capabilities to a responding communication device;

a negotiation data receiving section, associated with the plurality of initiating communication devices, that receives carriers that include second digital information representing different communication device capabilities of [from] said responding communication device, in response to said transmitted carriers, and

a selecting device that selects an appropriate communication device from the plurality of communication devices, in accordance with said responding communication device, to establish a communication channel, wherein said transmitted carriers contain data related to a useable carrier allocation.

4 (Twice Amended). An apparatus for establishing a communication link, comprising:

a negotiation data transmitting section, associated with a plurality of initiating communication devices, that transmits carriers that include first digital information

representing different communication device capabilities to a responding communication device;

a negotiation data receiving section, associated with the plurality of initiating communication devices, that receives carriers that include second digital information representing different communication device capabilities of [from] said responding communication device, in response to said transmitted carriers, and

a selecting device that selects an appropriate communication device from the plurality of communication devices, in accordance with said responding communication device, to establish a communication channel, wherein said negotiation data transmitting section transmits said carriers in accordance with neighboring receiving systems.

9 (Twice Amended). A method for establishing a communication link, comprising:  
transmitting predetermined carriers that include first digital information representing different communication device capabilities to a responding communication device;

receiving predetermined carriers [from] that include second digital information representing different communication device capabilities of the responding communication device, in response to the predetermined transmitted carriers, and

selecting an appropriate communication device from a plurality of communication devices, in accordance with the received predetermined carriers, to establish a communication channel, wherein the transmitting of predetermined carriers comprises transmitting the carriers in accordance with neighboring receiving systems.